

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ECF CASE  
08 CV 3444 (GEL)

NIPPON YUSEN KAISHA a.k.a. NYK LINE,

Plaintiff,

- against -

McDONOUGH INDUSTRIES LLC a.k.a.  
McDONOUGH INDUSTRIES LLC USA and  
LAWRENCE McDONOUGH.,

Defendants.

~~SUMMONS AND~~ PROCESS OF MARITIME  
ATTACHMENT AND GARNISHMENT

THE PRESIDENT OF THE UNITED STATES OF AMERICA.

To the Marshal of the U.S. District Court for the Southern District of New York, GREETINGS:

WHEREAS, the attached Verified Complaint in admiralty was filed herein for damages alleged to be due the said Plaintiff and praying that process of attachment and garnishment be issued;

WHEREAS, said Verified Complaint is supported by a declaration that the defendant, McDONOUGH INDUSTRIES LLC a.k.a. McDONOUGH INDUSTRIES LLC USA cannot be found in this District;

NOW, THEREFORE, we do hereby command that you attach goods, chattels, credits, and effects of defendant, McDONOUGH INDUSTRIES LLC a.k.a. McDONOUGH INDUSTRIES LLC USA, up to the amount sued for, namely: the property of the said defendant within the District, including monies owed to defendant by, or otherwise held by the following garnishees, to the extent of \$1,300,000.00:

AMERICAN EXPRESS BANK  
c/o Zeichner Ellman & Krause LLP  
575 Lexington Avenue, New York, NY 10022

BANK OF AMERICA  
345 Park Avenue, New York, NY

BANK OF CHINA  
410 Madison Avenue, New York, NY

BANK OF NEW YORK  
120 Broadway, Legal Dept., 19<sup>th</sup> Fl., New York, NY

BARCLAY'S BANK  
200 Park Avenue, New York, NY

BNP PARIBAS  
787 Seventh Avenue, New York, NY

CITIBANK, N.A.  
90 Park Avenue at East 40th Street, New York, NY

CREDIT SUISSE FIRST BOSTON  
One Madison Avenue, New York, NY

HSBC (USA) BANK  
452 Fifth Avenue, New York, NY

J.P. MORGAN CHASE BANK  
1 Chase Manhattan Plaza, New York, NY

STANDARD CHARTERED BANK  
1 Madison Avenue, New York, NY

WACHOVIA BANK  
360 Madison Avenue, New York, NY

And, that you promptly, after execution of this process, file same with the Court, with your return thereon; and

Garnishee is required, pursuant to Rule B(3)(a) of the Supplement Rules for Certain Admiralty and Maritime Claims, to serve upon Plaintiff's attorneys, Cichanowicz, Callan, Keane, Vengrow & Textor, LLP, 61 Broadway, Suite 3000, New York, New York 10006-2802, an answer to the Verified Complaint, together with answers to any interrogatories which may be served with the Verified

Complaint, within 20 days after service of this Summons With Process of Maritime Attachment and Garnishment.

Defendants are required, pursuant to Rule B(3)(b) of the Supplemental Rules for Certain Admiralty and Maritime Claims, to serve upon Plaintiff's attorneys, Cichanowicz, Callan, Keane, Vengrow & Textor, LLP, 61 Broadway, Suite 3000, New York, New York 10006-2802, its answer within 30 days after process has been executed, whether by attachment of property or service on the garnishee

WITNESS, The Honorable Judges of this  
Court on this 9 day of April 8, 2008

**J. MICHAEL McMAHON**

 Clerk

By: B. J. Poll

Deputy Clerk

**CERTIFIED AS A TRUE COPY ON**

**THIS DATE** 04-09-08

**BY** B. J. Poll

( ) Clerk

(x) Deputy

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SOUTHERN DISTRICT OF NEW YORK

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NIPPON YUSEN KAISHA a.k.a. NYK LINE,  
  
Plaintiff,  
- against -  
  
McDONOUGH INDUSTRIES LLC a.k.a.  
McDONOUGH INDUSTRIES LLC USA and  
LAWRENCE McDONOUGH.,  
  
Defendants.

DECLARATION OF SERVICE

JAMIE RODRIGUEZ declares that the following statement is true under the penalties of perjury:

1. I am over the age of 18 years and I am not a party to this action.

2. On the dates and at the addresses set out in the attached list filled in by me, I served true and complete copies of the following process and pleadings in this case upon the garnishees also set out in the attached list:

- (a) Process of maritime attachment and garnishment;
- (b) Court order granting attachment;
- (c) Court order allowing for substitute process server;
- (d) Plaintiff's Supplemental Admiralty Rule B declaration;
- (e) Plaintiff's Memorandum in support of attachment;
- (f) Plaintiff's summons;
- (g) Plaintiff's complaint;
- (h) Plaintiff's corporate disclosure statement;

For each garnishee, service was made by personal delivery to the person identified and described in the attached list; and each such personal represented to me that he or she was authorized to receive service of process for that garnishee.

Dated: New York, New York

April 23, 2008

/s/   
Jamie Rodriguez

JAMIE RODRIGUEZ

SCHEDULE  
PROOF OF SERVICE OF PROCESS OF MARITIME ATTACHMENT AND GARNISHMENT

08 cv 3444 (GEL)

AMERICAN EXPRESS BANK  
c/o Zeichner Ellman & Krause LLP  
575 Lexington Avenue, New York, NY 10022

Date Served: 4/22/08

Name of Person Served: Michael Antonovich, Jr.

Job Title of Person Served: managing clerk.

Gender: male - white.

Hair Color: Brown

Approximate Height: 5-8

Approximate Weight: 150

Approximate Age: 35

JP. BANK OF AMERICA  
~~345 Park Avenue, New York, NY~~ c/o Zeichner Ellman, supra

Date Served: 4/22/08

Name of Person Served: Michael Antonovich.

Job Title of Person Served: managing clerk

Gender: male.

Hair Color: Brown

Approximate Height: 5-8

Approximate Weight: 150

Approximate Age: 35

BANK OF CHINA  
410 Madison Avenue, New York, NY

Date Served: 4-21-08

Name of Person Served: Ren Yins Wang

Job Title of Person Served: Asst. Manager

Gender: Chinese

Hair Color: Black

Approximate Height: 5-7

Approximate Weight: 145

Approximate Age: 40

BANK OF NEW YORK  
120 Broadway, Legal Dept., 19<sup>th</sup> Fl., New York, NY

Date Served: 4-21-08

Name of Person Served: Paula P Mucciulli

Job Title of Person Served: Legal Assistant

Gender: white female,

Hair Color: Grey / Blond

Approximate Height: 5-8

Approximate Weight: 135

Approximate Age: 35

BARCLAY'S BANK

200 Park Avenue, New York, NY

Date Served: 4-21-08

Name of Person Served: Solomon Kibriye

Job Title of Person Served: Executive Legal

Gender: male, black

Hair Color: Black

Approximate Height: 5-8

Approximate Weight: 135

Approximate Age: 38

BNP PARIBAS

787 Seventh Avenue, New York, NY

Date Served: 4/22/08

Name of Person Served: Chesecca DeBace

Job Title of Person Served: legal Ass't,

Gender: white female

Hair Color: Black

Approximate Height: 5-7

Approximate Weight: 130

Approximate Age: 40



CITIBANK, N.A.

90 Park Avenue at East 40th Street, New York, NY

Date Served: 4-22-08

Name of Person Served: Shenee Farmer-Johnson.

Job Title of Person Served: Service Officer

Gender: Black, female

Hair Color: Black

Approximate Height: 5-6

Approximate Weight: 155

Approximate Age: 40

JP CREDIT SUISSE ~~FIRST BOSTON~~ SECURITIES  
One Madison Avenue, New York, NY

Date Served: 4/22/08

Name of Person Served: Daniel Farnsworth

Job Title of Person Served: Clerk

Gender: male white

Hair Color: Brown

Approximate Height: 5-8

Approximate Weight: 140

Approximate Age: 40

CREDIT SUISSE  
SECURITIES  
(USA) LLC.  
new name

HSBC (USA) BANK  
452 Fifth Avenue, New York, NY

Date Served: 4-21-08

Name of Person Served: Sandy Cutler

Job Title of Person Served: Client Service Associate

Gender: white - female

Hair Color: Brown ~~Black~~

Approximate Height: 5'5"

Approximate Weight: 130

Approximate Age: 40

J.P. MORGAN CHASE BANK  
1 Chase Manhattan Plaza, New York, NY

Date Served: 4/21/08

Name of Person Served: Doreen Bertone

Job Title of Person Served: Legal Specialist

Gender: female, white

Hair Color: Black/grey

Approximate Height: 5-4

Approximate Weight: 150

Approximate Age: 60

STANDARD CHARTERED BANK  
1 Madison Avenue, New York, NY

Date Served: 4/22/08

Name of Person Served: Johnny Ferrero

Job Title of Person Served: Legal Asst.

Gender: female, Hispanic.

Hair Color: Brown

Approximate Height: 5-5

Approximate Weight: 145

Approximate Age: 30

WACHOVIA BANK  
360 Madison Avenue, New York, NY

Date Served: 4-21-08

Name of Person Served: Steven Marcinkiewicz,

Job Title of Person Served: financial center manager

Gender: white male

Hair Color: Brown

Approximate Height: 5-8

Approximate Weight: 145

Approximate Age: 35